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**DATE:** April 5, 2005  
**TO:** Examiner Barbara N. Burgess  
**FIRM:** USPTO, Group Art Unit 2157  
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**FROM:** Jon A. Gibbons

**TOTAL NUMBER OF PAGES: 3**  
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**MESSAGE:**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Michael L. EMENS et al.

**Serial No.:** 09/611,839

**For:** *SOFTWARE AND METHOD FOR CONTROLLING THE TIMING OF DELAYED  
DOWNLOADS*

**Enclosed are the following:**

Interview Summary (2 pgs)

**Docket No.:** AM9-1999-0218

**110-A99-173**

**April 5, 2005**

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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/611,839 Confirmation No. 6929  
Applicant : Michael L. EMENS et al.  
Filed : July 7, 2000  
TC/A.U. : 2157  
Examiner : Barbara N. BURGESS  
Docket No. : AM9-1999-0218  
Customer No. : 23334

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**VIA FACSIMILE (703) 872-9306**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450  
**Attention: Examiner Barbara N. BURGESS**

**INTERVIEW SUMMARY UNDER MPEP 713.04 AND 37 CFR §1.133**

Sir:

Attached please find the following Summary Record of Interview of October 28, 2004, in connection with the above-identified application. Please enter and consider the following summary as follows:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date \_\_\_\_\_, 2004 By: \_\_\_\_\_

Signature: \_\_\_\_\_  
Applicant, Assignee, or Representative

AM9-1999-0218

1

09/611,839

**INTERVIEW SUMMARY**

Applicants are providing a Summary of Record of Telephonic Interview on October 28, 2004 as noted in the October 28, 2004 Office Action. The following is provided to supplement the requirement MPEP Section 713.04 and 37 CFR §1.133.

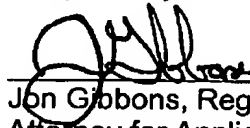
- 1) Application Number : 09/611,839
- 2) Name of Applicant : Michael L. EMENS et al.
- 3) Name of Examiner : Examiner Barbara N. Burgess
- 4) Date of Interview : October 28, 2004
- 5) Type of Interview : Telephonic
- 6) Name of Participant(s) : Jon A. Gibbons, Attorney for Applicant
- 7) Exhibit(s) Used : None
- 8) Prior Art Discussed : Klug et al. (US 2004/0010546 A1).
- 9) Claims Discussed : Independent claims 1, 9, 11, 19, and 21
- 11) Principal Arguments : Discussed was the teachings of Klug and the differences between CPU Utilization and CPU Speed. Also discussed was the numerical equation of weighted sums. Specifically, where the weighted sum rescales at least one of the response time and the CPU utilization to provide a sum of at least two quantities with a given numeric order of magnitudes
- 12) Other Pertinent Matters : None
- 13) Agreement Reached: : Agreement was reached in light of claim the CPU utilization as claimed

**PLEASE CALL** the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

Date: April 5, 2005

By:

  
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2

09/611,839